IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 10194 of 2004

Laxman Tukaram Mane .. Petitioner

versus

Bhupal Ram Mali & Ors. .. Respondents

...

Mr.S.G. Deshmukh for the petitioner.

Mr.Pratap Patil for respondent nos.1 to 8.

CORAM : D.G. KARNIK, J

DATED : 23rd April 2007.

P.C.:

1. Heard learned counsel for the petitioner.

2. This Writ Petition is directed against the order dated 31st November 2004 passed by the Civil Judge, Jr.Division, Miraj, rejecting the petitioner defendants application under section 9-A of the Code of Civil Procedure.

3. In Solapur Social Urban Co-operative Bank

Ltd. Vs. Nigam A. Mannan Beskar & ors. reported in 2006(4) Bom.C.R. 217, I have held that section 9A of the Code of Civil Procedure stands repealed by reason of the Code of Civil Procedure (Amendment) Act 1999 (Central Act 46 of 1999)and the Code of Civil Procedure (Amendment) Act, 2002 (Central Act 22 of 2002).

4. As the Maharashtra Amendment introducing section 9A of the Code of Civil Procedure itself stood repealed, application under section 9A of the C.P.C itself was not maintainable. No interference in the order of the trial court is therefore necessary. Writ Petition is accordingly rejected summarily.

(D.G. KARNIK, J)